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Report of the Independent Expert on the situation of human rights in the Sudan

Note by the Secretariat

The Secretariat has the honour to transmit to the Human Rights Council the report of the Independent Expert on the situation of human rights in the Sudan, Aristide Nononsi, submitted pursuant to Human Rights Council resolution 36/26.

In its resolution 36/26, the Human Rights Council decided to renew the mandate of the Independent Expert on the situation of human rights in the Sudan for a period of one year and requested him to present a report at its thirty-ninth session. In the present report, which covers the period from September 2017 to June 2018, the Independent Expert analyses the situation of human rights in the Sudan, outlines recent developments and the continuing human rights challenges in the country, assesses the implementation of the recommendations contained in the previous reports of the Independent Expert as well as technical assistance provided to the Government of the Sudan by various bilateral and multilateral partners, identifies additional technical assistance and capacity-building needs and provides a list of recommendations, addressed to the Government and other stakeholders, necessary for improving the situation of human rights in the country.

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Report of the Independent Expert on the situation of human rights in the Sudan

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I. Introduction

1. In its resolution 36/26, the Human Rights Council decided to renew the mandate of the Independent Expert on the situation of human rights in the Sudan for a period of one year and requested him to present a report on the implementation of his mandate, including recommendations on technical assistance and capacity-building, for consideration at its thirty-ninth session.

2. The present report covers the period from 28 September 2017 to 30 June 2018. In compliance with the Code of Conduct for Special Procedures Mandate Holders of the Human Rights Council, a draft report was shared with the Government of the Sudan in order to provide it with an opportunity to comment on the observations and findings of the Independent Expert.

3. The report is based on information made available to the Independent Expert during his visit to the Sudan, as well as on information provided by the Government of the Sudan, the African Union-United Nations Hybrid Operation in Darfur (UNAMID) and other sources, including civil society organizations, United Nations agencies, funds and programmes working in the Sudan, as well as the donor community.

4. The Independent Expert expresses his gratitude to the Government of the Sudan for its invitation and cooperation, to the Office of the United Nations Resident and Humanitarian Coordinator in Khartoum and to UNAMID for supporting and facilitating his mission to the country. He also thanks the donor community and civil society organizations for their important work in promoting and protecting human rights in the country.

5. He also thanks all other organizations, groups and individuals who provided assistance and shared information with him during the period under review.

II. Methodology and engagement

6. The Independent Expert undertook one visit to the Sudan during the reporting period, from 13 to 23 April 2018, and visited Khartoum and Darfur.

7. In Khartoum, the Independent Expert held wide-ranging discussions with senior government officials, including the State Minister of Foreign Affairs and the Speaker of the National Assembly, with officials in the Ministry of Justice and specialized government units and agencies, and with members of the Legislative Committee of the National Assembly. He interacted with the Chief Justice and high-ranking members of the judiciary, and had an exchange with the Acting Attorney General. He also had frank and fruitful discussions with the newly appointed Director of the Legal Department of the National Intelligence and Security Service. He was informed of recent developments in the situation of human rights in the country by the Rapporteur and members of the Advisory Council for Human Rights. He also met the new leadership of the Sudan National Commission for Human Rights, the leadership of the Humanitarian Aid Commission, the Chair and members of the Sudan Bar Association and the Chair and members of the National Press Council. He also met with representatives of civil society organizations, human rights defenders and victims of human rights violations and abuses, some of whom shared their personal experiences with him. He met with members of the diplomatic community and representatives of the United Nations country team.

8. In North Darfur, the Independent Expert met with the Governor of the State of North Darfur, members of the judiciary, including the Special Prosecutor for crimes committed in Darfur, the Regional Representative of the Sudan National Commission for Human Rights, officials of UNAMID and United Nations agencies in North Darfur, and civil society organizations. He also visited Shallah Federal Prison.

III. Key recent developments

9. During the reporting period, the Government undertook an arms collection campaign in Darfur. The campaign, which started in July 2017, was implemented without major incidents in most areas of the Darfur region. According to information received by the Independent Expert, the campaign appeared to have constrained weapons use by various armed militias and criminals, contributing to improved security, especially in North and South Darfur. Nevertheless, relatively few weapons were collected. In early 2018, the Governor of North Darfur reported that 30,000 weapons (including 9,000 in North Darfur) had been collected out of an estimated 700,000 weapons believed to be in illegal circulation across Darfur. There were also concerns among internally displaced communities that nomadic groups had not been equally disarmed. Several armed militia groups, mostly of Arab ethnicity, continued to pose a threat to civilians in several areas across Darfur.

10. From January to March 2018, several peaceful demonstrations took place in Khartoum and Darfur to protest against high inflation and austerity measures in the country's 2018 budget, which has resulted in rising prices of essential commodities.

11. Reports refer to an excessive and disproportionate use of force by Sudanese security forces to disperse the demonstrations, including the use of lethal force and tear gas, leaving one person dead and several injured in the Darfur city of El Geneina. It is estimated that the National Intelligence and Security Service arrested at least 200 people throughout the country. The majority of arrests took place on 16 and 17 January 2018 during demonstrations called by political opposition parties supporting the protests.

12. It is also reported that dozens of prominent political activists, human rights defenders and journalists were arrested by the National Intelligence and Security Service from their homes or offices and held incommunicado or taken to undisclosed locations. Some of the detainees were transferred from Khartoum to Darfur. On a positive note, most detainees were released in April 2018, prior to the Independent Expert's visit to the Sudan.

13. For most of the reporting period, the security situation remained relatively stable in Darfur. However, since March 2018 there has been a notable increase in clashes in Jebel Marra, particularly fighting in east Jebel Marra between the Government of the Sudan and the Sudan Liberation Army-Abdul Wahid. A series of clashes led to reports of at least 7,300 civilians displaced and the destruction of villages. More than 3,000 new arrivals of internally displaced persons were reported in Otash camp, outside Nyala. Reports indicated that there were also new arrivals of internally displaced in Marshang, Belle El Serief and Kass; these figures are pending verification. Access to many of the affected areas had not been granted to UNAMID or humanitarian actors, which led to temporary disruptions in humanitarian programming in the area.

14. In addition, in April 2018, at least 11,000 people in north Jebel Marra were displaced to Rokero due to clashes involving armed militias. In May 2018, in Central Darfur, clashes between armed Arab groups and internally displaced persons in camps in Zalingei and Garsila reportedly resulted in multiple deaths among the displaced community. In November 2017, internal fighting was also reported among Sudan Liberation Army-Abdul Wahid factions, which reportedly resulted in the killing and injury of civilians, destruction of houses and looting of community assets.

15. In October 2017, the United States of America lifted long-standing sanctions against the Sudan, citing the country's progress in fighting terrorism and easing humanitarian distress. The sanctions had included a trade embargo, a freeze on some government assets, and restrictions on Sudanese banks and the ability of foreign banks to do business with the Sudan.

16. In April 2018, the Chair, Deputy Chair and commissioners of the Sudan National Commission for Human Rights were appointed. The Independent Expert commended the Government of the Sudan for this positive step and reiterated his call on the Sudanese authorities to ensure that the Commission was functioning in compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).

17. Although the Government and the armed groups have not agreed on a permanent ceasefire, they continue to extend temporary cessations of hostilities. On 19 March 2018, President Bashir extended the Government's unilateral ceasefire until 30 June 2018 while the Sudan Liberation Army-Minni Minawi and the Justice and Equality Movement extended theirs until 6 August 2018.

18. Despite the prolonged period without a mutually agreed cessation of hostilities, no clashes were reported between the Government and the Sudan People's Liberation Movement-North (SPLM-N) in Blue Nile and South Kordofan during the reporting period.

IV. Main human rights challenges

19. In spite of assurances of cooperation and some commitments from the Sudanese authorities to take steps towards implementing the recommendations contained in the Independent Expert's previous reports,[1] as well as a significant decline in military operations in the conflict-affected areas of Darfur, Blue Nile and South Kordofan, the Sudan continues to face a number of human rights challenges.

20. Prior to his mission, the Independent Expert had received reports of restrictions on political rights and fundamental freedoms, including freedom of expression, freedom of the press, freedom of association and peaceful assembly, freedom of religion, arbitrary arrests and detentions, torture and degrading treatment, perpetrated by the Sudanese security forces.

21. In Darfur, the Independent Expert noted that the root causes of the conflict were still largely unaddressed. In addition, land occupation and violence targeting internally displaced persons, including sexual violence against displaced girls and women, continued to hinder their return to their areas of origin. Moreover, the existence of a state of emergency since 1997 continued to have negative implications for fundamental freedoms in the region.

22. In Blue Nile, displaced communities fought along ethnic lines following a split within the leadership of the armed opposition group SPLM-N in July 2017. Nevertheless, the internal SPLM-N conflict in Blue Nile had generally ceased by October 2017. However, tension remained high as the two factions maintained different camps and showed no signs of reconciliation.

A. Harassment of human rights defenders and curtailment of civil society actors

23. The Independent Expert received reports of incidents of harassment, arrests and prolonged detention targeting representatives of civil society organizations, without affording them or their families access to legal representation. For instance, most arrests and detentions occurred in Khartoum and Darfur in the framework of peaceful demonstrations that had taken place to protest against high inflation and austerity measures in the country's 2018 budget. In this context, Salih Mahmoud, a prominent lawyer and Vice-Chair of the Darfur Bar Association, was arrested at his office on 1 February 2018 and detained incommunicado for several weeks. Of particular concern is the treatment of female activists during these arrests. Miass Safi was arrested together with three other activists at her home on 20 February.

24. The members of the group were released on 24 and 25 February, despite the fact that, according to their lawyers, the prosecutor had earlier refused to sign the documents needed to secure their release on bail.

25. These actions by the security agencies stifle free speech and the effective operations of civil society organizations in the Sudan and are contrary to the obligation of the Sudan to respect and protect the rights to freedom of assembly and expression as guaranteed under

[1] See A/HRC/30/60, para. 74; A/HRC/33/65, para. 75; and A/HRC/36/63, para. 87.

the 2005 Interim National Constitution and the International Covenant on Civil and Political Rights, to which the Sudan is a State party. Civil society organizations are the bedrock of the protection and promotion of human rights in a democratic society, and the Government must ensure that they are able to operate freely and that their rights to freedom of assembly and expression are fully respected.

26. In this context, the Independent Expert welcomed the decision to release other human rights defenders and political activists who had been arrested in connection with the demonstrations against austerity measures in the country's 2018 budget, and encouraged the authorities to ensure that all those still arbitrarily detained were released and to refrain from such detentions in the future. He received assurances from the relevant Sudanese authorities that those who had been released would not be rearrested, charged or prosecuted further.

B. Restrictions on freedom of religion

27. On 11 February 2018, a Sudanese Evangelical Presbyterian church in El Haj Yousif, Khartoum North, was demolished by Sudanese security agents. According to information received, at least three police trucks arrived at the church without notice moments after the service had ended, and security personnel proceeded to clear and confiscate property before demolishing the church. The confiscated property included chairs, bibles and musical instruments.

28. The Independent Expert raised this issue in his meeting with the Sudanese authorities during his visit in April 2018. While representatives of the Sudanese Evangelical Presbyterian Church stated that the Church was the legal owner of the property and land and that the building had been used as a place of worship since 1989, the Government argued that the church building was among the 25 earmarked for demolition in an official order signed in June 2016 for lack of proper authorization for its establishment.

29. During the visit of the Independent Expert, the Government, under the leadership of the Ministry of Justice, organized a forum on freedom of religion in the Sudan with the participation of various religious leaders. While the Independent Expert welcomed this initiative and appreciated the fruitful debate on the subject, he is of the view that further steps should be taken by the Government to ensure respect for the right to freedom of religion in the country.

30. In this regard, the Independent Expert recalls that the right to freedom of religion is enshrined in the Interim National Constitution of the Sudan and article 18 of the International Covenant on Civil and Political Rights. The Constitution also established the Commission for the Rights of Non-Muslims in Khartoum State to ensure that their rights are protected in accordance with the Constitution. The Sudan has an obligation to ensure that the provisions on the right to freedom of religion are fully respected without discrimination.

31. The Independent Expert calls upon the Government of the Sudan to respect the fundamental freedoms enshrined in the Interim National Constitution and to allow the Sudanese people to exercise their rights freely, including the freedom of religion.

C. Press censorship

32. Press censorship by government security agents continued unabated during the reporting period. The National Intelligence and Security Service continued to intimidate and instil fear of arrest in journalists, which consequently impeded press freedom, freedom of opinion and freedom of expression. At least three newspapers were confiscated by officers of the Service multiple times between 15 and 18 January 2018 for publishing articles that were critical of the Government's response to the demonstrations. In addition, security officials arrested at least 15 journalists. Six journalists were arrested in Khartoum on 16 and 17 January and released on 21 January. There are credible reports that Amel

Habani, a woman journalist and human rights activist, was subjected to ill-treatment amounting to torture during her arrest.

33. According to information received by the Independent Expert, reporting on the demonstrations had been deemed a "red-line issue" by the Government. Confiscating newspapers severely circumscribes the availability of information in the public sphere and hinders freedom of expression and access to information.

34. In May 2018, the National Intelligence and Security Service imposed a "red line" on chief editors of Sudanese publications and ordered them not to publish any news related to the death of a businessman who had died in custody. The chief editors were also prohibited from reporting on the prevailing fuel crisis in the country. More specifically, on 22 May, four Sudanese journalists were prohibited, without any justification, from travelling to Saudi Arabia to attend a regional conference for journalists.

35. On 14 June 2018, the Sudanese foreign media department revoked the licence of Qatari journalist Ahmed Yousif.

36. The Independent Expert reiterates his call on the Government of the Sudan to amend the Press and Publication Act in order to provide protection to journalists and newspaper publishers.

D. Women's rights

37. Prior to his mission, the Independent Expert had received information that security forces use violence, intimidation and other forms of abuse to silence women across the country. These abuses are made worse by the wider context of gender inequality in the Sudanese society and the legal framework that institutionalizes it. Public morality offences, including "indecent dress", discriminate against women and are limiting their movement and role in public life. Humiliating corporal punishments of lashing violate international human rights norms. More specifically, the Independent Expert calls on the Sudanese authorities to put an end to a practice which appears to be harassment by public order security police targeting women in Khartoum for alleged indecent dress or street trading.

38. More broadly, discrimination and violence, including sexual violence, against women and girls in the Sudan have been brought into stark focus by the case of Noura Hussein Hammad Daoud, who was sentenced to death by a Sudanese court on 10 May 2018. Hussein was convicted of fatally stabbing the man she was forced to marry, who subsequently allegedly raped her. The Independent Expert had received information that Hussein's forced marriage, rape and other forms of gender-based violence against her were not taken into account by the court as evidence to mitigate the sentence and that the most stringent guarantees of a fair trial and due process were not fulfilled in this case.

39. Nevertheless, the Independent Expert welcomed the decision on 26 June 2018 by the Court of Appeal in Khartoum to quash Noura Hussein's death sentence. While the Independent Expert does not have full details of the Court's decision, he was made aware of the fact that the death sentence was replaced by a five-year prison term. The Independent Expert took the opportunity of this case to reiterate his appeal to the Government to bring its legislation into line with international human rights standards.

40 During the Independent Expert's meeting with the Unit on Combating Violence against Women, he was made aware of a series of initiatives undertaken to address violence against women. These include the submission to parliament of an amendment to the Criminal Act aimed at criminalizing female genital mutilation and the development of a five-year national plan (2018–2023) focusing on access to justice for women in Darfur. The Independent Expert would like to see these initiatives transformed into concrete steps to address violence against women in the Sudan.

E. Economic and social rights

41. The Independent Expert notes that the Sudan suffers from socioeconomic inequalities that have their origin in a range of factors, including lack of support for rain-fed agriculture, problems with land reform and the distribution of development resources between urban and rural areas.

42. According to information received by the Independent Expert, 36.1 per cent of the population in the Sudan live in poverty, whereas one in four Sudanese (25 per cent) falls below the extreme poverty line. Unemployment is the major cause of poverty. The regions with the lowest poverty incidence are Northern and Al Gezira States, followed by River Nile. North Kordofan, South Kordofan and Darfur are the p rest. The labour force in the Sudan numbers 11 million, 9 million of whom are employed, and the private sector absorbs 91.3 per cent of these employees.

43. The Government has increased the cost of electricity for home consumption over 1500 kW to 1.85 Sudanese pounds and doubled the cost of electricity for factories and commercial entities. This could lead to a rise in the costs of agricultural and industrial production processes and hence in the prices of Sudanese exports.

44. The most severe issue is that the high increase in the cost of production might threaten the 2018–2019 agricultural season, which can lead to migration to the capital, big cities and informal mining areas. Ultimately, this would weaken the competitiveness of Sudanese exports on the international markets, despite the fact that the lifting of economic sanctions by the United States presents an opportunity for the Sudan to revive its economy and expand exports, particularly agricultural exports.

45. The Government ended the subsidies on wheat and, as a result, the price of a loaf of bread increased from 0.5 to 1 Sudanese pound. Removing subsidies will likely have a detrimental impact on household income, and in particular on poor households. The withdrawal of subsidies on wheat is also likely to contribute to inflationary pressure via imported inflation, given that the Sudan obtains the bulk of its wheat supplies from imports. If people shift to consuming other kinds of locally produced cereals and if the supply of the domestic cereals does not respond adequately to the increased demand, the prices of these cereals will increase.

46. Together, the impact of the rise in electricity prices and the withdrawal of subsidies on wheat could lead to a steady decline in demand and hence job losses resulting from layoffs, downsizing or the closing down of economic projects.

47. To date, the Government has yet to implement any social protection programmes to absorb the negative impacts of its policies on the most vulnerable parts of the population. Good coordination between development partners in the country and the Government is crucial in order to absorb the negative impacts of the austerity measures.

48. The Independent Expert is of the view that the realization of the economic and social rights of the Sudanese people is key to long-term stability in the Sudan. He calls upon the Government to effectively implement the national poverty reduction strategy in order to address the root causes of inequalities in the country.

F. Human rights situation in conflict-affected areas

1. Darfur

Situation of internally displaced persons

49. Although the disarmament exercise has helped to improve the security situation in some areas of Darfur, the continued presence of armed men and militias threatening the lives, livelihoods and peaceful existence of internally displaced persons leaves many of them preferring to remain in camps with relative security. Internally displaced persons face many challenges within the camps, including lack of adequate food, safe drinking water and adequate health care. Internally displaced persons remain heavily dependent on the services

and support of UNAMID and humanitarian agencies for their security, well-being and humanitarian needs. While such services are limited due to security and other challenges, they nonetheless offer critical lifelines for displaced communities. Internally displaced persons regularly express concern over the occupation of their villages and farmlands by armed militias, which has had a negative impact on their right to food security and prospects for return. In some instances, violence, including killings, sexual violence and abduction, was reported to have prompted the forcible eviction of internally displaced persons from the lands to which they had returned. Root causes of the conflict, including discrimination and access to land and livelihoods, remain a major challenge for the long-term stability of Darfur.

Sexual and gender-based violence and conflict-related sexual violence

50. The vulnerabilities of women, girls and boys to sexual violence, including conflict-related sexual violence, remain a major concern. According to information received, from April 2017 to April 2018, UNAMID documented 111 cases involving 148 victims of sexual violence. The cases included rape, attempted rape, gang rape and killing of the victims in some instances. Displaced women and girls from internally displaced person camps remained the most vulnerable to, and were most often the victims of, conflict-related sexual violence, which primarily occurred around the camps for the displaced, villages of return and other remote areas while victims were engaged in livelihood activities. There was a spike in sexual violence during the farming season due to transhumance activities. The perpetrators were identified by the victims as armed men, militia members in civilian clothes and members of State security forces such as the Sudan Armed Forces, the Rapid Support Forces, border guards and police.

51. Addressing conflict-related sexual violence and assisting victims are critical and require a multisectoral approach involving various stakeholders, both national and international. Government leadership and political will, welded to inclusive participation by national stakeholders ensured by State structures, adequate resources and effective partnerships with the United Nations and other international partners, will strengthen the fight against sexual violence. Justice for victims of sexual violence is also critical for sustainable peace in Darfur; provision of remedies and compensation to the victims and survivors form part of the recovery process and the delivery of justice.

52. The Independent Expert has received assurances from the Acting Chief Justice for Darfur and the Special Prosecutor for crimes committed in Darfur that steps are being taken to address the issue of impunity.

Rule of law and judicial institutions

53. The Government of the Sudan has taken steps to strengthen judicial institutions through the deployment of judges and prosecutors as a means of enhancing robust protection mechanisms for civilians. While the initiative is welcome, victims of human rights abuses continue to complain about difficulties in accessing core elements of the justice chain. In particular, law enforcement authorities have been criticized for a seeming lack of willingness to initiate investigations and apprehend alleged perpetrators. The existence of restrictive laws and the slow pace of legislative reform continue to have a negative impact on the promotion and protection of human rights.

54. While article 27 (3) of the Interim National Constitution states that all international human rights treaties ratified by the Sudan form integral parts of the Bill of Rights, other institutional authorities operate under powers which are inconsistent with the spirit of international human rights law. Among these are the extensive powers accorded to the National Intelligence and Security Service, Military Intelligence and the Sudan Armed Forces. Further, the 2013 amendment to the Armed Forces Act (2007) extends the jurisdiction of the Sudan Armed Forces Military Court to trials of civilians, with the power to impose the death penalty. It is imperative that a comprehensive legislative reform agenda be incorporated into strategies for the protection of civilians, especially in the context of conflict and post-conflict situations.

55. The Independent Expert also visited Shallah Federal Prison in North Darfur and had the privilege of speaking to men and women detained on the basis of the emergency laws. They had not been presented in or appeared before a court for several months. The Independent Expert therefore calls upon the Sudanese authorities to repeal the emergency laws in Darfur and to review the cases of all 117 men and women currently detained in Shallah Federal Prison in relation to the emergency laws, with the aim of ensuring compliance with due process and fair trial standards. Should it be found that these cases are not compliant, the Independent Expert appeals for the immediate release of these individuals.

56. During his interaction with the detainees, the Independent Expert was made aware of the situation of 56 of them who had been sentenced to death. This group includes a woman whose appeal for a presidential pardon was recently rejected. These individuals are at risk of being executed at any time. They need protection, and international attention must be directed to addressing this issue as a matter of urgency. The Independent Expert would encourage the Government to halt the execution of these individuals and to establish a moratorium on executions with a view to abolishing the death penalty.

57. The Independent Expert has noted the need for support in this area to help government authorities in extending the rule of law and State authority to remote areas so as to build public confidence in the rule of law and law enforcement institutions, reduce intercommunal conflict, enhance accountability and create conditions conducive to durable solutions and voluntary return of displaced populations. Interventions in this area would target the capacity of the State authority, as well as community-based conflict management and reconciliation mechanisms, to mediate and address resource-based and local conflicts. In addition, capacity would also be invested to strengthen legislation and policies on land and resource management.

2. Blue Nile and South Kordofan

58. In Blue Nile, displaced communities fought along ethnic lines following a split within the leadership of the armed opposition group SPLM-N in July 2017. On 17 February 2018, the two SPLM-N factions fought in the areas of Tunfona, Marmaton, Goz Bagar, Aljamamat and Alfug. People were displaced again and fled to areas south, with reports coming in of new displacements of civilians in the region. An assessment mission led by humanitarian actors reported up to 500 civilians displaced. The situation was described as dire with houses burned, property looted and little to no access to food, water, shelter and health services.

59. Urgent efforts are needed to bring a permanent end to this conflict and to ensure that humanitarian assistance has safe access to all areas. The conflict has already had a long-term effect in the area and the population fear the possibility of a resumption of conflict. While both sides to the conflict express their intention not to resume fighting, there have been no mutually agreed cessations of hostility.

60. In South Kordofan, despite the prolonged period without a mutually agreed cessation of hostilities between the Government and SPLM-N, relative calm is observed in the region.

61. In South Kordofan, the Independent Expert was informed that an inter-agency assessment mission had been conducted in 18 hard-to-reach communities in Al Abassiya locality between 4 and 8 February 2018. According to information received, some 34,896 people in need were identified, including internally displaced persons, returnees and vulnerable populations in the host communities. An estimated 60 per cent of these people are women and children.

62. The Independent Expert notes that this was the first time in seven years that some communities had been reached by humanitarian aid organizations since the conflict recurred in 2011. Dire needs were identified, including lack of nutrition treatments and health facilities available to medical staff in 16 communities, unsafe quality and inadequate quantity of water in all 18 communities and about 90 per cent of the community members practising open defecation.

63. The Independent Expert calls on the Government and the Sudan People's Liberation Movement to respect the rights of the civilian population and to facilitate access for the delivery of humanitarian assistance to people in need.

G. South Sudanese refugees in the Sudan

64. The Independent Expert commends the Sudan for its long-standing tradition of hosting refugees. During the period under review, the Sudan continued to host refugees from Chad, Eritrea, the Syrian Arab Republic, Yemen and other countries. Importantly, the Sudan is one of the major host countries for refugees fleeing the deadly conflict in South Sudan. According to the Office of the United Nations High Commissioner for Refugees, as of 31 May 2018, the Sudan had hosted some 763,144 South Sudanese refugees.

65. While noting the efforts undertaken by the humanitarian community to provide humanitarian assistance to South Sudanese refugees, the Independent Expert appealed to donor States to increase their support in order to address the needs of hundreds of thousands of refugees in the Sudan.

V. Technical assistance and capacity-building

66. In his engagement with the Government of the Sudan and other stakeholders, the Independent Expert ascertained the roles of different bodies in the Sudan engaged in human rights promotion and protection in the country and received various requests for technical assistance. In his previous report (A/HRC/36/63), the Independent Expert undertook an assessment of technical assessment needs and identified some urgent areas for technical assistance to the Government. In his meetings with international partners, United Nations agencies, UNAMID and members of the diplomatic corps and Sudanese authorities, the Independent Expert was informed of various ongoing programmes to provide support and technical assistance to the Sudan in the field of human rights.

67. A notable example is the technical assistance provided by the United Nations Development Programme and the Government of Canada to the Sudan National Commission for Human Rights and the Advisory Council for Human Rights. In addition, the Government of Canada is providing funding for the joint rule of law and human rights programme in Darfur. This project aims to strengthen the capacity of the formal justice system (courts, judges, prosecutors, police and correction) in the Darfur region. The Independent Expert was also made aware of the financial and technical support provided to the National Council for Persons with Disabilities and the Secretary-General of the National Council for Child Welfare by the Government of Italy.

68. The Independent Expert was also made aware of technical projects developed by other United Nations entities, including the United Nations Children's Fund, the United Nations Population Fund and UNAMID, to strengthen the capacity of national stakeholders in the field of human rights.

69. The Independent Expert is of the view that technical assistance and capacity-building needs in the field of human rights are broad and require high levels of funding, which must be sourced both internally from the Government itself and externally from different cooperating partners within the donor community and institutions. The Independent Expert would like to urge donor countries and the international community to provide the necessary technical and financial support to the Sudan in the field of human rights.

70. He also takes this opportunity to reiterate his call on the Government to facilitate the deployment to the Sudan of a technical mission from the Office of the United Nations High Commissioner for Human Rights (OHCHR) in order to discuss and agree on technical assistance needs in a constructive manner. Such a deployment would be in compliance with Human Rights Council resolution 36/26, in which the Council requested OHCHR to provide technical assistance in response to the request from the Government of the Sudan to

improve the situation of human rights in the country with a view to fulfilling its human rights obligations and commitments.

VI. Conclusion and recommendations

71. **The Independent Expert's assessment of the implementation of his previous recommendations was based on information made available to him by the Government of the Sudan and other stakeholders, including national and international partners with an operational mandate in the field of human rights in the Sudan. The Independent Expert has taken note of assurances of cooperation and commitments from the authorities to take steps towards implementing the recommendations contained in the Independent Expert's previous reports.**

72. **In this regard, he welcomed the appointment of the Chair, Deputy Chair and commissioners of the Sudan National Commission for Human Rights, which he hopes will enable the Commission to function effectively. The Independent Expert also commends the Government for having taken positive steps towards improving the security situation in Darfur, including efforts by State authorities to address community-level conflicts and foster social cohesion by drawing diverse communities together through processes of dialogue and consultations.**

73. **In spite of these steps and assurances of cooperation, the Independent Expert is deeply concerned that a significant number of his recommendations have still not been implemented. In this context, he notes that the harmonization of national laws with international human rights principles has advanced at a slow pace. Parts of the legal framework, such as the National Security Act and the emergency laws in Darfur, continue to infringe on fundamental rights. In Darfur particularly, land occupation and violence targeting internally displaced persons, including sexual violence against displaced girls and women, continue to hinder their return to their areas of origin.**

74. **He wishes to reiterate that the Government will ultimately be assessed by its willingness to implement his recommendations, which will lead to an improvement in the human rights situation in the country. He therefore urges the Government to take all the necessary measures to implement the recommendations without further delay in a more constructive engagement with the Human Rights Council, the United Nations and the international community.**

75. **On the basis of his appraisal and assessment of the situation, the Independent Expert reiterates all the recommendations previously made and which have not yet been implemented. In particular, the Independent Expert makes the recommendations below.**

A. Government of the Sudan

76. **The Independent Expert calls upon the Government of the Sudan to:**

(a) **Take concrete measures to reform aspects of the current legal framework that are in breach of the exercise of civil and political rights and fundamental freedoms. In particular, priority should be given to withdrawing law enforcement powers, including the power of arrest and detention, from the National Intelligence and Security Service;**

(b) **Ratify all remaining international instruments for the protection of human rights, including the Convention on the Elimination of All Forms of Discrimination against Women and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;**

(c) **Ensure that the application of the death penalty in all cases takes place in a very strictly defined set of circumstances, including guarantees that the minimum fair trial standards demanded by article 14 of the International Covenant on Civil and Political Rights have been fully met;**

(d) Institute a moratorium on the imposition of the death penalty as called for by the General Assembly in its resolution 62/149;

(e) Adopt a holistic approach to development and effectively implement the poverty reduction strategy to address the root causes of inequalities in the country.

B. International community

77. **The Independent Expert calls upon the international community to:**

(a) Continue to provide the Government of the Sudan with technical and financial support for building democratic institutions for the protection and promotion of human rights in the country;

(b) Consider resuming its discussions with the Government of the Sudan, in the light of the Government's request for technical assistance in the field of human rights, to ensure the establishment of an office of the United Nations High Commissioner for Human Rights in the country in order to assist the Government in meeting its human rights obligations.